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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,705	07/30/2003	Thomas Perelli	086554-0906	5356

22428 7590 07/01/2004  
FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/629,705

Applicant(s)

PERELLI ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 12, 14-19, 22 and 24 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 8, 10, 11, 13, 20, 21, 23, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Holzmann, German Patent 1,188,988. Holzmann teaches a folding sign comprising: a flexible cover 15 having at least one surface for displaying information; a supporting device 2 for supporting the flexible cover, wherein the supporting device can be moved to a collapsed position, and at least one connecting mechanism 12, 13, 14 that connects the flexible cover to the supporting device, wherein the at least one connecting mechanism is configured to permit the connection to release to allow the supporting device to move to the collapsed position.

With respect to claim 2, Holzmann teaches the supporting device is configured to move between a closed position and an open position, and further comprising a folding mechanism comprising hinge 3 and 10 and struts 9 that permits movement of the supporting device from the open position to the closed position and permits movement of the supporting device to the collapsed position upon application of a predetermined force to the sign.

With respect to claim 6, Holzmann teaches a plurality of elongated support members.

3. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Noffsinger, U. S. Patent 4,875,302.

Noffsinger teaches a flexible cover 52 having at least one surface 52 for displaying information, a support device 12, and a handle 40 having a top surface adapted to receive display information.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, U. S. Patent 6,119,621 in view of Oullette, U. S. Patent 4,915,332.

Johnson teaches barrier cone comprising a flexible cover 14 having at least one surface for displaying information; a plurality of support members 26a-c for supporting the flexible cover; and a folding mechanism including a plurality of coil springs 30a-c that are each connected to a corresponding support member, wherein a second end of each of the plurality of coil springs is connected to a respective one of the plurality of support members, wherein each coil spring is configured to be displaced in a latitudinal direction to permit movement of the support members from an open position to a closed position and to permit movement of the support members to a collapsed position upon application of a predetermined force to the sign. Johnson does not teach the coil springs connected to a block. Oullette teaches support member 41,

springs 48, and a block 46, wherein the springs are connect to both the block 46 and the support members 41. It would have been obvious to one having ordinary skill in the art at the time this invention is made to construct the support members of the barrier cone taught by Johnson to provide a means to stabilize the spring arrangement.

With respect to claim 14, Oullette teaches the coil springs biasing the support members toward an open position. (See abstract).

6. With respect to claim 17, Johnson teaches warning information on the surface of the flexible cover.

***Allowable Subject Matter***


7. Claims 27-28 are allowed.

8. Claims 5, 7, 8, 10, 11, 13, 20, 21, 23, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
June 23, 2004